

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GLAVIN JUSTAN IVY,	:	CIVIL NO. 1:18-CV-1506
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
SGT. JOHNSON, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 21st day of November, 2019, upon consideration of plaintiff's motion (Doc. 40) for leave to file an amended complaint and proposed amended complaint (Doc. 40-2), and it being clear that the proposed amended complaint names six of the original defendants and is based upon the same factual allegations as the original complaint, but raises additional claims against the original defendants, and sets forth allegations against two newly named Jane Doe and John Doe correctional officers, (Doc. 40-2), and the court noting that leave to amend should be liberally given "when justice so requires", FED. R. CIV. P. 15(a)(2), and the court finding that plaintiff has not acted with dilatory motive or repeated and unjustified failures to amend, and his request to amend does not appear to be motivated by some improper purpose such as purposeful delay or bad faith, and his delay cannot be considered undue, see Foman v. Davis, 371 U.S. 178, 182 (1962) (listing factors which may weigh against amendment), and the court further finding that defendants would not be prejudiced by granting the amendment, see Cureton

v. Nat'l Collegiate Athletic Ass'n, 252 F.3d 267, 273 (3d Cir. 2001) (citations omitted) (prejudice may result under Rule 15(a) when a proposed amendment “would result in additional discovery, cost, and preparation to defend against new facts or new theories”), and, in light of defendants’ failure to oppose plaintiff’s motion for leave to file an amended complaint, it is hereby ORDERED that:

1. The motion (Doc. 40) is GRANTED.
2. The proposed amended complaint (Doc. 40-2) is accepted as filed and this matter shall proceed on the amended complaint. The Clerk of Court is directed to DOCKET the amended complaint (Doc. 40-2) as a separate filing.
3. The Clerk of Court is directed to ADD correctional officer Jane Doe and correctional officer John Doe as defendants on the docket in this action.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania